

## REMARKS

Claims 1, and 3-13 and 16-24 are now pending in this application. The Applicant has amended claims 1, 8 and 13. Applicant submits that the application is now in condition for allowance. Reconsideration and allowance of claims 1, 3-13 and 16-24 now pending in this application is respectfully requested in view of the following.

A. Objection to Specification

The Examiner objected to the title because it was not descriptive. The Applicant has amended the title as suggested by the Examiner. The Applicant believes that the objection has been overcome, and thus, requests withdrawal of the objection.

B. Objection to the Claims

The Examiner objected to claims 1, 8, and 13 because the word “base” was not recited in the claims in the proper tense. The Applicant has amended the claims as suggested by the Examiner. The Applicant believes that the objection has been overcome, and thus, requests withdrawal of the objection.

C. Rejection under 35 U.S.C. § 112

The Examiner rejected claims 1, 8 and 13 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Particularly, the Examiner states that the limitation an “amount of time an intermediate transceiver in the set of intermediate transceivers will be in communication with the wireless network” is not describes to convey to one skilled in the relevant art that the inventor was in possession of the claimed invention. The Applicant kindly traverses this rejection. The description of this limitation is provided in the description of Fig. 5 which begins on page 19 of the specification. Accordingly, the Applicant believes that the rejection has been overcome, and thus, requests withdrawal of the rejection.

D. Rejection under 35 U.S.C. § 103

Claims 1, 3-4, 6-9, 11-13 and 16-24 have been rejected under 35 U.S.C. 103 as being unpatentable over by Poor. (U.S Pat. No. 6,028,857) in view of Sherman (U.S. 5,974,236) and Jones et al. (U.S. 6,108,314).

Claims 1, 8 and 13, as amended, now recite wherein the optimal routing path indicates the set of intermediate devices and is based, in part, on a prediction of the amount of time an intermediate transceiver in the set of intermediate transceivers will be in communication with the wireless network, wherein the prediction is based on the last state of the wireless network and predefined rules for predicting the location of at least one of the intermediate devices in the wireless network. The present invention provides the optimal path to intermediate transceivers identified in the optimal path to transmit the signal to a destination transceiver. In determining the optimal path, a consideration is made as to how long intermediate transceivers will maintain a connection to the network based on predicting changes to the current network configuration using historical network configuration information.

Poor '857 discloses a limited wireless network that specifies the constraints that the optimal path is to be in accordance with. However, Poor '857 fails to disclose that the optimal routing path indicates the set of intermediate devices and is base, in part, on a prediction of the amount of time an intermediate transceiver in the set of intermediate transceivers will be in communication with the wireless network, wherein the prediction is based on the last state of the wireless network and predefined rules for predicting the location of at least one of the intermediate devices in the wireless network. Accordingly, Poor '857 fails to disclose or suggest all of the elements now recited in amended claims 1, 8 and 13.

Sherman fails to cure the deficiencies of Poor. Sherman merely discloses that a routing list is provided at each node. Sherman fails to disclose that an optimal routing

path indicates the set of intermediate devices and is base, in part, on a prediction of the amount of time an intermediate transceiver in the set of intermediate transceivers will be in communication with the wireless network, wherein the prediction is based on the last state of the wireless network and predefined rules for predicting the location of at least one of the intermediate devices in the wireless network. Accordingly, the combination of Poor and Sherman fail to teach the invention as claimed by claims 1, 8 and 13.

Jones like Poor and Sherman fails to teach the aforementioned limitation. Jones merely discloses a wireless communication system that determines the turn around time of a communication device. Jones does not teach the limitation now recited in claims 1, 8 and 13. Accordingly, the combination of Poor, Sherman and Jones in combination or alone fail to teach the invention as claimed by claim 1, 8 and 13.

Claims 3, 4, 6, 7, and 16-18 depend from claim 1, claims 9, 11, 12, and 19-21 depend from claim 8, and claims 22-24 depend from claim 13. Accordingly, the combination of Poor, Sherman and Jones fails to disclose or suggest all of the elements now recited in claims 3-4, 6-7, 9, 11-12 and 16-24 for at least the same reason discussed above with respect to claims 1, 8, and 13.

Claims 5 and 10 have been rejected under 35 U.S.C. 103 as being unpatentable over Poor, Sherman and Jones in view of Hermann et al. (U.S. Pat. No. 6,633,757).

Claim 5 depends from independent claim 1 and claim 10 depends from claim 8. As discussed above with respect to claims 1, 8, and 13, Poor, Sherman, and Jones do not disclose that an optimal routing path indicates the set of intermediate devices and is base, in part, on a prediction of the amount of time an intermediate transceiver in the set of intermediate transceivers will be in communication with the wireless network, wherein the prediction is based on the last state of the wireless network and predefined rules for predicting the location of at least one of the intermediate devices in the wireless network.

Hermann et al does not cure the deficiencies of Poor, Sherman or Jones. Hermann et al. '757 discloses a wireless network with devices have a transmitter and receiver.

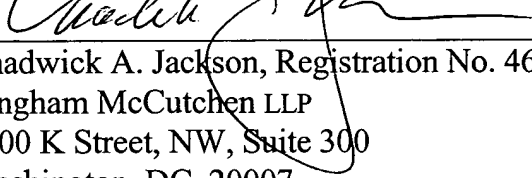
Hermann et al. does not disclose that an optimal routing path indicates the set of intermediate devices and is base, in part, on the amount of time an intermediate transceiver in the set of intermediate transceivers will be in communication with the wireless network. Accordingly, the combination of Poor, Sherman and Hermann et al. does not teach alone or in combination the elements now recited in claims 5 and 10.

### CONCLUSION

No other fees are believed to be due at this time. Should any fee be required, however, please charge such fees to Bingham McCutchen LLP Deposit Account No. 19-5127 (order no. 25389.0004).

Respectfully submitted,  
Bingham McCutchen LLP

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By:   
Chadwick A. Jackson, Registration No. 46,495  
Bingham McCutchen LLP  
3000 K Street, NW, Suite 300  
Washington, DC 20007  
(202) 424-7661 Telephone  
(202) 295-8478 Facsimile